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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,836	10/17/2003	Zachary Utz	D-1189	9439

28995 7590 03/13/2007  
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EXAMINER
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TRAIL, ALLYSON NEEL

ART UNIT	PAPER NUMBER
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2876

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/13/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/688,836	UTZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Allyson N. Trail	2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10, 13-17, 22, 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 6, 9, 11, 12, 18-21, 24, 26, and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10-2005</u>   | 6) <input type="checkbox"/> Other: ____.                          |

**DETAILED ACTION**

***Continuing Data***

1. The current application claims benefit of 60/419,681 filed October 18, 2002 and 60/435,153 filed December 19, 2002.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-4, 7, 8, 10, 13-17, 22, 23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kosugi (2002/0079361).

With respect to claim 1, Kosugi discloses in figure 1 an automated banking machine apparatus, which includes a housing.

Kosugi discloses in paragraph 0020 that the banking machine includes an opening 1, in the housing where a money depositing operation is conducted.

Kosugi also teaches in paragraph 0020 (as well as figure 1), a container 5, within the housing, wherein the container has an interior area for storing deposited bills.

Paragraphs 0020 and 0023 explain that the interior area is in operative connection with the opening such that deposit items passed into the housing through the opening are moveable into the interior area.

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Also discussed in paragraph 0020 (can be seen in figure 1) is a movable shaker 6, which is bounded to the interior area of the container. The deposit items (bills) are in supporting connection with the moveable shaker member.

Paragraph 0020 discloses an actuator, which drives and moves the shaker thereby causing the deposited items to shake. Paragraph 0023 explains that the shaker is used to create more space for storing incoming bills.

With respect to claims 2 and 3, Kosugi illustrates in figure 1, the shaker member 6 including a resilient member, which extends across the lower portion of the container.

With respect to claim 4, Kosugi teaches in paragraph 0024 removably mounting the container in the housing.

With respect to claim 7, Kosugi illustrates in figure 1 a rigid plate, wherein the actuator operates to move the rigid plate.

With respect to claim 8, Kosugi teaches in paragraph 0022 an actuator is used to move the shaking plate. It is clear that in order for the shaker to move the deposited bills, the actuator must extend in intermediate relation of the bottom wall and the membrane.

With respect to claim 10, Kosugi teaches in paragraphs 0020 and 0023 as well as illustrating in figure 1, the container including an upper wall generally opposed of the bottom wall. The deposited bills enter through the opening in the upper wall.

With respect to claim 13, Kosugi illustrates in figure 1 a chest 10a, wherein the container 5 is removably positioned within the chest portion.

With respect to claims 14 and 23, Kosugi discloses in paragraph 0020, including a cash acceptor mechanism and a chest portion, wherein the container is removably mounted in the chest portion. The chest portion, which connects to the container, includes a cash accepting opening, wherein the upper wall opening corresponds to the cash accepting opening in an operative position of the container. The apparatus includes a bill or money receiving/paying section 1, a bill transport path 2 to transport bills to respective sections of the bill handling machine, and a bill judge section 3 to make decision for truth or falsehood as well, as a kind of each bill, to determine a bill appropriate for the payment, and to determine a bill as a rejected bill not suitable for the payment.

With respect to claim 15, Kosugi illustrates in figure 1, a horizontal transport path 2 in operation with a driving member. Paragraph 0022 discloses that the transport path includes a driving member.

With respect to claim 16, Kosugi teaches in paragraph 0022 the driving member engaging the driven member through the cash accepting opening in the chest portion.

With respect to claims 17 and 25, Kosugi discloses in paragraph 0025 identifying suspect notes and storing the suspect notes in a storage area.

With respect to claim 22, see Kosugi's teachings regarding claims 1, 4, and 13.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kosugi in view of Bowling (6,292,960).

Kosugi's teachings are discussed above. Kosugi's teachings fail to specifically teach the container including a rollable support.

With respect to claim 5, Bowling illustrates in 4a internal drawers which are removed via roller tracks. Figure 3b illustrates a first set of rollers 72.

In view of Bowling's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to use a rollable support, taught by Bowling, to remove the container taught by Kosugi. Kosugi teaches above removing the container (drawer) in the banking machine. The method of removal however is not specifically taught. One would be motivated to use a rollable support for removing the container in order to easily remove the container from the machine.

***Allowable Subject Matter***

6. Claims 6, 9, 11, 12, 18-21, 24, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

The following is an examiner's for allowance: Although Kosugi teaches an automated banking machine apparatus including a housing, an opening in the housing for deposit, a container within the housing, which has an interior area which is in operative connection with the opening such that deposit items passed into the housing through the opening are moveable into the interior area. Kosugi also teaches moveable

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shaker and an actuator in operative connection with the shaker member. The above identified prior art of record, taken alone, or in combination with any other prior art, fails to teach or fairly suggest the specific features of claims 6, 9, 11, 12, 18-21, 24, 26, and 27 of the present claimed invention. Specifically prior art fails to teach the banking machine wherein the container includes a telescoping handle, wherein the handle is extendable when the container is moved outside of the housing and is adapted to move the container away from the housing with the container supported on the rollable support. Prior art additionally fails to teach the apparatus including at least one flexible support extending between the bottom wall and the plate, and further including a security plate extending in intermediate relation between the upper wall opening and the membrane. Prior art fails to teach the chest portion of the apparatus being generally L-shaped in cross section, and wherein the chest portion houses at least one cash dispenser mechanism, and wherein the cash acceptor mechanism and the cash dispenser mechanism are mounted in generally side-by-side relation. Lastly prior art fails to teach the apparatus, wherein the container includes an upper wall including an upper wall opening, and wherein the upper wall opening corresponds to the cash accepting opening in an operative position of the container within the chest portion, and wherein the container includes a blocking plate disposed interiorly of the container, and a transport adapted to move notes that have entered the container through the upper wall opening horizontally to pass into the interior area below the blocking plate. The above limitations are not taught in prior art and moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

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**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Blackson et al (2003/0038173).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[allyson.trail@uspto.gov](mailto:allyson.trail@uspto.gov)].



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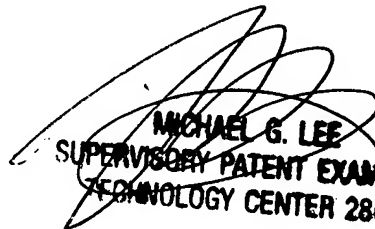
*All Internet e-mail communications will be made of record in the application file.*

*PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG*

89.

Ag

Allyson N. Trail  
Patent Examiner  
Art Unit 2876  
March 2, 2007

  
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